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DAVID S. SAVAGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID S. SAVAGE,
Plaintiff,
v.
THE UNITED STATES OF AMERICA,
Defendant.

No. CIV.S-04-2316 WBS KJM

**AMENDED STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
TRIAL DATE AND RESCHEDULE
FINAL PRETRIAL CONFERENCE**

UNITED STATES OF AMERICA,
Counterclaim Plaintiff,
v.
DAVID S. SAVAGE and PHYLISS SAVAGE,
Counterclaim Defendants.

Trial Date: March 28, 2006
Location: Courtroom 5, 14th Floor
Time: 9:00 a.m.

The plaintiff/counterclaim defendant, David S. Savage, and the defendant/counterclaim plaintiff, United States, the only parties who have appeared in this case, by and through their counsel of record respectfully request that the Court continue the previously set trial date to October 17, 2006 at 9:00 a.m. for the reasons set forth below. All parties who have appeared agree to the proposed continuance.

Resolution of the summary judgment motion of the IRS will interfere with pretrial matters.

1 The summary judgment motion of the IRS is set for hearing on February 11, 2006. This case is
2 presently set for trial on March 28, 2006. Certain pre-trial matters are due prior to the summary
3 judgment motion hearing. It will be most efficient for the parties and the court if the trial date is
4 continued so that the resolution of the summary judgment motion will not interfere with pre-trial
5 matters. Moreover, the court may wish to take the motion under submission or to have the parties
6 provide additional briefing on a point. The proximity of the trial date and the multiple pretrial duties
7 imposed on the parties make any delay in decision especially difficult.

8 Wherefore, it is requested that (1) the trial date in this case be continued to October 17, 2006
9 at 9:00 a.m. in Courtroom 5 of the above-entitled Court, (2) that the Final Pretrial Conference be
10 rescheduled for August 28, 2006, at 10:00 a.m., and (3) that all pretrial procedural due dates be
11 rescheduled accordingly.

12 DATED: January 20, 2006

13 McDONOUGH HOLLAND & ALLEN PC
14 Attorneys at Law

15 By: s/Robert R. Rubin
16 Robert R. Rubin
17 Attorneys for Plaintiff David S. Savage

18 DATED: January 20, 2006


19 McGREGOR W. SCOTT
20 United States Attorney

21 By: s/Richard A. Latterell
22 Richard A. Latterell
23 U.S. Department of Justice
24 Attorneys for the United States of America

25 **ORDER**

26 IT IS SO ORDERED.

27 DATED: January 23, 2006

28 
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE